

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

IMTEC CORPORATION, an Oklahoma)
corporation, and FIRST)
LABORATORIES, LLC, an Oklahoma)
limited liability company,)

Plaintiffs,)

v.)

Case No. CIV-07-355-JHP

JOHN L. MOORE, a/k/a Jay Moore,)

Defendant.)

ORDER AFFIRMING AND ADOPTING THE REPORT AND
RECOMMENDATION OF THE UNITED STATES
MAGISTRATE JUDGE

On February 11, 2008, the United States Magistrate Judge entered a Report and Recommendation granting Defendant's Motion to Dismiss or Transfer (Dkt.#s 8, 10) insofar as it was made pursuant to Fed.R.Civ.P. 12(b)(7). The Motion to Dismiss or Transfer (Dkt.#s 8,10) was denied as moot insofar as it sought other relief. Further, the Magistrate Judge recommended that this action be dismissed for lack of subject matter jurisdiction. The Plaintiffs have not filed an objection to the Magistrate Judge's Report and Recommendation within the time prescribed by law. 28 U.S.C. §636(b)(1); Fed. R. Civ. P. 72(a).

This Court finds that the Report and Recommendation of the Magistrate Judge is supported by the record. Therefore, upon full consideration of the entire record and the issues presented

herein, this Court finds and orders that the Report and Recommendation entered by the United States Magistrate Judge on February 11, 2008, be **AFFIRMED** and **ADOPTED** by this Court as its Findings and Order.

IT IS SO ORDERED this 29th day of February, 2008.



James H. Payne
United States District Judge
Eastern District of Oklahoma